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Fresno, California

December 17, 2002

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Agustin Hoyer III, Jubilee Apostolic Tabernacle, gave the invocation, and President Perea led the Pledge of Allegiance to the Flag.

RESOLUTION OF COMMENDATION TO RANDY REED - CITY MANAGER

Read and presented.

PRESENTATION BY ASSOCIATED BUILDERS AND CONTRACTORS OF THE "2002 EXCELLENCE IN CONSTRUCTION -MAULDIN-DORFMAIER CONSTRUCTION"

Presentation made.

(ADD-ON) RESOLUTION OF COMMENDATION TO PATRICIA PINEDO, DISTRICT 7 COUNCIL PRESIDENT ASSISTANT

Read and presented.

PROCLAMATION OF "JAKE & JOHN'S ACE HARDWARE DAY" - MAYOR AUTRY AND ALL COUNCILMEMBERS

Removed from the agenda.

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council met in joint session with the Redevelopment Agency at the hour of 8:50 a.m.

APPROVE AGENCY MINUTES OF DECEMBER 3, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency minutes of December 3, 2002, approved as submitted.

UNSCHEDULED AGENCY ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT EXPRESSING CONCERNS WITH THE ROEDING BUSINESS PARK, WEST FRESNO STREETS AND BOUNDARIES, AND THE REDEVELOPMENT AGENCY

Appearance made; no action taken.

DIRECT STAFF TO SCHEDULE ON THE NEXT AGENCY AGENDA: "CONSIDER NAMING THE ACCESS ROAD CURRENTLY UNDER CONSTRUCTION LINKING THE HUGHES-WEST DIAGONAL WITH WEST AVENUE "RONQUILLO DRIVE" - COUNCILMEMBER QUINTERO

Direction made with Councilmember Quintero advising the request was being made by the Roeding Business Park Committee.

(C) UPDATE FROM THE ALGEN GROUP REGARDING THE WYNDHAM HOTEL AND THE HOWARD JOHNSON HOTEL - COUNCIL PRESIDENT PEREA

Tomas A. DiLuglio, Director of Administration of the Algen Co., advised his company had a financing commitment for the Wyndham Hotel and stated closing on the construction aspect of the project was expected by December 31st; relative to the Howard Johnson Hotel stated it was their plan to have a closing by the end of March 2003, and advised preliminary confirmation had been received from Double Tree that it would be a Double Tree Club hotel; and along with City Attorney Montoy responded briefly to questions of President Perea and Councilmember Calhoun relative to the labor agreement for the Howard Johnson Hotel and if the contract with the Algen Group had expired. Councilmember Ronquillo, President Perea and Chair Duncan commended the Algen Group for moving forward with the project and for investing in, and sticking with, downtown, and Mr. DiLuglio thanked Council and all involved for their cooperation. There was no further discussion.

(A) CONSIDER MATTERS RELATING TO AMENDING THE REDEVELOPMENT PLAN FOR THE ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA

1. JOINT RESOLUTION NO. 2002-402/1612 - APPROVING AND ADOPTING THE REVISED 2002 REPORT TO THE CITY COUNCIL, AUTHORIZING SUBMISSION TO THE COUNCIL, AND COUNCIL ACCEPTANCE (COUNCIL AND AGENCY ACTION)

2. RESOLUTION NO. 2002-403 - ADOPTING FINDINGS IN RESPONSE TO WRITTEN OBJECTIONS TO THE ADOPTION OF THE PROPOSED AMENDMENTS TO THE ROEDING BUSINESS PARK REDEVELOPMENT PLAN (COUNCIL ACTION)

3. * BILL NO. B-69 - ORDINANCE NO. 2002-69 - ADOPTING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA (COUNCIL ACTION)

Chair Duncan clarified public comment was closed at the last hearing, and Director Fitzpatrick commended staff, gave a brief overview of what was before the joint bodies, and advised a super-majority vote was necessary to enact the actions.

Councilmember Ronquillo spoke to the issue of eminent domain and how investors have stated it is extremely difficult to make the Roeding Business Park succeed without that tool adding if done properly it could be a win-win situation for all involved, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Calhoun.

Chair Duncan spoke to the need to address the community's economic situation, the unemployment rate, future population growth and job creation just to keep the current 12% unemployment rate, and to the City's efforts in dealing with the unemployment problem, and clarified the Roeding Business Park was for those without jobs and was not for the developers.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2002-402/1612 and Council Resolution No. 2002-403 hereby adopted, and the above entitled Bill No. B-69 making findings and amending the Roeding Business Park Redevelopment Plan as outlined in staff's recommendation adopted as Ordinance No. 2002-69, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(B) CHAIRMAN'S COMMENTS - CHAIR DUNCAN

Chair Duncan spoke to his tenure as Agency Chair and to the challenges the Agency has faced; commended Mayor Autry for his leadership in downtown revitalization and outgoing Council President Perea and Councilmembers Quintero and Ronquillo for their commitment, accomplishments and leadership; commended the entire Council and City and Agency staff for their professionalism and accomplishments pointing out there was now over \$1 billion in downtown investment and the City was seeing for the first time over \$1 million in private money coming to downtown; thanked Councilmember Boyajian for his efforts and leadership in addressing the housing issue; and **(2 - 0)** called concerned citizen Barbara Hunt up to the podium and clarified everything the City and the Redevelopment Agency has ever done has been moral, ethical and legal under California Law and elaborated.

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Chair Duncan declared the joint meeting adjourned at 9:21 a.m. and the City Council reconvened in regular session.

APPROVE CITY COUNCIL MINUTES OF DECEMBER 10, 2002

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of December 10, 2002, approved as submitted.

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APPROVE AGENDA:

(11:05 A.M.) APPROPRIATE ADDITIONAL CDBG ALLOCATION - COUNCIL PRESIDENT PEREA

1. * RESOLUTION - AMENDING AAR NO. 2002-216 APPROPRIATING \$978,000 FOR TOWER DISTRICT PROMENADE

Removed from the agenda by President Perea.

(1-F) REJECT LOW BID AND AWARD A CONTRACT FOR FINK-WHITE NEIGHBORHOOD PLAYGROUND IMPROVEMENTS

Removed from the agenda (appeal filed).

(3-A) CONSIDER ELIMINATION OF CERTAIN URBAN GROWTH MANAGEMENT (UGM) AT-GRADE RAILROAD CROSSING FEES

1. * RESOLUTION - 400TH AMENDMENT TO MFS RESOLUTION NO. 80-420 TO AMEND THE ELIMINATION OF CERTAIN URBAN GROWN MANAGEMENT (UGM) AT-GRADE RAILROAD CROSSING IMPACT FEES
2. * RESOLUTION - 44TH AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$233,816 IN LOAN PROCEEDS FOR REPAYMENT TO AT-GRADE RAILROAD CROSSING A-C AND A-E

Removed from the agenda.

(5-G) REQUEST CITY MANAGER TO DIRECT STAFF TO FORM A DOWNTOWN TRIANGLE IMPLEMENTATION COMMITTEE - COUNCILMEMBER RONQUILLO

At the request of Councilmember Ronquillo and by Council consensus, the matter was scheduled for 3:30 p.m. this date for citizen convenience.

(5-F) REQUEST CITY MANAGER TO DIRECT STAFF TO DETERMINE FEASABILITY AND RETURN TO COUNCIL WITH RECOMMENDATION FOR JAPANESE CULTURAL CENTER TO BE LOCATED ADJACENT TO SHINZEN GARDENS - COUNCILMEMBERS RONQUILLO AND DUNCAN

At the request of Councilmember Ronquillo and by Council consensus, the matter was scheduled for 3:40 p.m. this date for citizen convenience.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2002-404 - APPROVING THE FINAL MAP OF TRACT NO. 5000 OF VESTING TENTATIVE MAP NO. 5000/UGM, AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF E. OLYMPIC DRIVE AND N. CEDAR AVENUE (*LOCATED IN DISTRICT 6*)

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT
2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING AND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR ERRANT GOLF BALLS

(1-B) APPROVE AMENDMENT NO. 3 TO THE REQUIREMENTS CONTRACT FOR BENEFICIAL REUSE OF BIOSOLIDS, EXTENDING THE CONTRACT WITH MCCARTHY FAMILY FARMS THROUGH DECEMBER 31, 2005, AND SETTING THE CPI AS A CAP FOR PRICE INCREASES AFTER DECEMBER 31, 2003

(1-C) APPROVE AN AGREEMENT FOR PROFESSIONAL AIRPORT PLANNING, ENGINEERING AND MANAGEMENT SERVICES WITH MEAD AND HUNT, INC., IN AN AMOUNT NOT TO EXCEED \$71,000, AWARDED UNDER FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT IMPROVEMENT PROJECT GRANT NO. 3-06-0088-06 (AIP-06), FOR AN UPDATE TO THE FRESNO-CHANDLER DOWNTOWN AIRPORT MASTER PLAN, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-D) AWARD A CONTRACT TO SUMMIT ELECTRICAL CONSTRUCTION, INC., IN THE AMOUNT OF \$193,201 FOR THE BASE BID ONLY TO PROVIDE A THREE-WAY SIGNALIZED INTERSECTION FOR THE AIR NATIONAL GUARD BASE ENTRANCE AT MCKINLEY AVENUE AND FALCON DRIVE

(1-E) AWARD A CONTRACT TO GIBBS INTERNATIONAL IN THE AMOUNT OF \$131,741.59 FOR ONE (1) CLASS 8 JETTER TRUCK

(1-G) AWARD A CONTRACT TO SPINIELLO COMPANIES, INC., IN THE AMOUNT OF \$489,485, TO REHABILITATE THE SEWER TRUNK LINE IN ROEDING PARK AND THE WEST AVENUE ALIGNMENT BETWEEN OLIVE AND BELMONT AVENUES (REHABILITATION OF THE WASTEWATER COLLECTION SYSTEM BY METHOD OF CURED-IN-PLACE PIPE)

(1-H) AWARD A CONTRACT TO GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$420,340 TO REHABILITATE THE HERNDON CANAL BRIDGE AT BLACKSTONE AVENUE AND SHIELDS AVENUES

(1-I) AWARD A CONTRACT TO VULCAN CONSTRUCTION & MAINTENANCE, INC., IN THE AMOUNT OF \$89,500 FOR AIR SYSTEM DUCT REPLACEMENT AT THE REGIONAL WASTEWATER RECLAMATION FACILITY

(1-K) AWARD A FIVE-YEAR REQUIREMENTS CONTRACT TO THE GOODYEAR TIRE AND RUBBER COMPANY IN THE TOTAL AMOUNT OF \$867,052.44 FOR LEASING OF TRANSIT RADIAL TIRES

(1-L) * RESOLUTION NO. 2002-405 - 51ST AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$690,000 IN STATE GRANT FUNDS TO THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT TO PROVIDE PUBLIC ACCESS ENHANCEMENTS ALONG THE LEWIS S. EATON TRAIL

(1-M) RESOLUTION NO. 2002-406 - AUTHORIZING AN AGREEMENT WITH THE OFFICE OF TRAFFIC SAFETY FOR THE CAMPAIGN TO INCREASE TRAFFIC ENFORCEMENT (C.I.T.E.) GRANT AWARD OF \$505,700

1. * RESOLUTION NO. 2002-407 - 52ND AMENDMENT TO AAR NO. 2002-216 APPROPRIATING THE \$505,700 C.I.T.E. GRANT AWARD TO THE POLICE DEPARTMENT TO BE USED FOR ACQUISITION OF MOTORCYCLES AND RELATED COSTS

(1-O) RESOLUTION NO. 2002-408 - APPROVING THE FINAL MAP OF TRACT NO. 5082, PHASE III OF VESTING TENTATIVE MAP NO. 4493/UGM, AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE WEST SIDE OF N. POLK AVENUE, NORTH OF W. OLIVE AVENUE

1. * RESOLUTION NO. 2002-409 - 53RD AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$49,500 FOR ACQUISITION AND LEGAL COSTS TO ACQUIRE RIGHTS-OF-WAY FOR IMPROVEMENTS ON THE WEST SIDE OF N. POLK AVENUE BETWEEN W. OLIVE AND W. FLORADORA AVENUES RELATED TO TRACT NO. 5082

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT

OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

140-274

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(1-P) RESOLUTION NO. 2002-410 - INTENT TO ANNEX FINAL TRACT NO. 5071 AS ANNEXATION NO. 44 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-Q) * RESOLUTION NO. 2002-411 - 50TH AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$420,000 FOR THE PURPOSE OF UGM REIMBURSEMENTS FOR WATER SUPPLY SERVICE AREA 201

1. AUTHORIZE STAFF TO PROCESS UGM REIMBURSEMENTS FOR WATER SUPPLY AREA 201

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(2-A) * BILL NO. B-70 - AMENDING SUBSECTIONS (a), (b), (c), (d) AND (f) OF SECTION 3-105 AND SUBSECTION (a) OF SECTION 3-109, AND ADDING SECTIONS 3-105.1, 3-105.2, 3-109.3 AND 3-113, AND ARTICLE 5 TO CHAPTER 3, OF THE FRESNO MUNICIPAL CODE RELATING TO ADVERTISED COMPETITIVE BIDDING AND DESIGN-BUILD CONTRACTS

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-70 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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UNSCHEDULED ORAL COMMUNICATIONS:

(1-S) RESOLUTION NO. 2002-412 - DECLARING THE RESULTS OF THE NOVEMBER 5, 2002, CONSOLIDATED GENERAL ELECTION

Fresno County Clerk Victor Salazar presented the official results of the election and responded to questions, comments and/or recommendations of Councilmembers Ronquillo, Duncan and Boyajian relative to provisional ballots, forming an inter-agency group to look at improving the process, and absentee ballots and the "pain" of the waiting period. City Clerk Klisch commended Mr. Salazar and his staff for their assistance and professionalism.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-412 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

APPEARANCE BY BARBARA HUNT EXPRESSING VARIOUS REDEVELOPMENT AGENCY CONCERNS

Appearance made; no action taken.

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(4-A) CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A) - CASE NAME:

(b) CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS

President Perea advised a significant breakthrough occurred yesterday with Fresno County relative to the sphere of influence issue, and to accommodate the Mayor's schedule the City Council convened in closed session in Room 2125 at the hour of 9:49 a.m. to consider the above issue and reconvened in regular open session at 10:51 a.m.

CLOSED SESSION ANNOUNCEMENT:

President Perea announced the sphere of influence issue was discussed and reported by a unanimous vote Council approved conceptual deal points with Fresno County relative to the tax sharing agreement; stated this was a significant day for the City and County; and advised a special meeting would be called to approve the deal points and commended the Council negotiating team and city staff for a job well done. Acting President Castillo, Councilmember Quintero and City Manager Hobbs commented briefly on the issue and also commended Council and staff for their leadership.

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(9:30 A.M.) AMEND THE FY 2003 PARKING ENTERPRISE BUDGET

1. * RESOLUTION NO. 2002-413 - 48TH AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$1,099,300 FOR THE PURPOSE OF ADJUSTING REVENUES AND APPROPRIATIONS FOR THE PARKING NON-CORE FUND, THE PARKING CORE FUND AND THE CITY HALL AREA PARKING FUND

2. APPROVE IN CONCEPT THE FUNDING PLAN FOR THE DOWNTOWN CAPITAL PARKING PLAN

3. * RESOLUTION NO. 2002-414 - 47TH AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$2,695,000 IN BOND PROCEEDS FOR THE DOWNTOWN PARKING CAPITAL IMPROVEMENTS

Interim Public Works Director Esquivel gave a brief overview of the issue; noting Council may put the staffing issue to the side urged adoption of at least the budget component to implement the parking plan; and along with City Manager Hobbs responded to questions of President Perea relative to the staffing component, which resolution dealt the issue, and if staff was presenting the exact report and recommendation from the last meeting.

Barbara Hunt, 246 W. Byrd, spoke in opposition to the issue.

Mr. Esquivel and Mr. Hobbs clarified issues and/or responded to questions of Acting President Castillo relative to the personnel issue, why another proposal was not brought back (noting Councilmember Calhoun requested one at the last meeting), what new information staff had, staff's knowledge of Council's concern with the staffing issue, when Ampco's contract expired, employees being hired temporarily for only six months, when the RFP process would start, and ability to give staff direction to return with an RFP and not a contract extension.

140-276

12/17/02

Acting President Castillo made a motion to approve the bonding component with the hiring of temporary part-time employees and for staff to bring back a proposal on staffing. Brief discussion ensued on the need to come back with a contract amendment, if direction could be given to staff this date to return with a hiring plan, City Attorney Montoy recommending the motion be approval of staff's recommendation with staffing on a temporary basis and a contract amendment to be brought back, continued questioning relative to whether direction could be given this date on the RFP, how soon staff would be reporting back on the issue **(3 - 0)**, and request for clarification of the motion (staff recommendation with the understanding of temporary staffing).

Councilmember Ronquillo spoke in support of the issue and to the importance of moving forward stating this was the answer to downtown parking and commended staff. Discussion continued with Mr. Esquivel and Mr. Hobbs responding to Council questions relative to reserving the issue of staff and how that would affect the upcoming hiring freeze issue, if employees would be hired immediately if staff's recommendation were approved, non-approval and impact on parking enforcement, revenue loss due to relaxed enforcement, Councilmember Calhoun expressing his support for staff's proposal and Ampco's performance, Councilmember Ronquillo speaking to need for off-street parking as an alternative to citations, and President Perea speaking to the need to look at alternatives and traffic enforcement by the police department, and reiterating his concern with the parking plan stating it was a public relations problem.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-413 and 2002-414 hereby adopted, the funding plan for the Downtown Capital Park Plan approved in concept, with the staffing component approved on a temporary basis, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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(10:00 A.M.) CONTINUED HEARING ON PLAN AMENDMENT APPLICATION NO. A-02-12, REZONING APPLICATION NO. R-02-22, AND ENVIRONMENTAL FINDINGS, FILED BY FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION, PROPERTY LOCATED ON THE EAST SIDE OF S. CEDAR AVENUE BETWEEN E. WOODWARD AND E. CALIFORNIA AVENUES (2055 S. CEDAR AVENUE - LOCATED IN DISTRICT 5)

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT A-02-12, R-02-22, S-02-145

2. RESOLUTION NO. 2002-415 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN

3. BILL NO. B-71 - ORDINANCE NO. 2002-70 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 AND R-2 TO C-P/CZ

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Ronquillo left the meeting at 11:24 a.m.

Councilmember Quintero spoke briefly in support of the project and thanked EOC, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after public comment.

Speaking to the issue and in support were: Naomi Misamoto, EOC, and Barbara Hunt, 246 W. Byrd.

Upon call, no one else wished to be heard and President Perea closed the hearing.

140-277

12/17/02

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-92-12 R-02-22, S-02-145 dated September 27, 2002, and related Addendum dated November 25, 2002, hereby approved; the above entitled Resolution No. 2002-415 hereby adopted; and the above entitled Bill No. B-71 adopted as Ordinance No. 2002-70, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

Planner Beedle responded briefly to questions of Councilmember Boyajian relative to the mitigated negative declaration.

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(10:15 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-02-16, REZONING APPLICATION NO. R-02-25, AND ENVIRONMENTAL FINDINGS, FILED BY MAPLE CREEK PARTNERSHIP, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. MAPLE AND E. TEAGUE AVENUES

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT A-02-16, R-02-25, T-5099

2. RESOLUTION NO. 2002-416 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WOODWARD PARK COMMUNITY PLAN

3. BILL NO. B-72 - ORDINANCE NO. 2002-71 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Ronquillo returned to the meeting at 11:29 a.m.

Councilmember Duncan spoke briefly in support of the in-fill project and made a motion to approve staff's recommendation.

Barbara Hunt, 246 W. Byrd, questioned why the project was not included in the new general plan, with Councilmember Duncan and staff clarifying this project and a few others came into the process after initiation of the general plan.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-02-16, R-02-25, TT-5099 dated October 14, 2002, and Addendum dated November 25, 2002, hereby approved; the above entitled Resolution No. 2002-416 hereby adopted; and the above entitled Bill No. B-72 adopted as Ordinance No. 2002-71, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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140-278

12/17/02

(10:30 A.M.) DIRECT THE FRESNO POLICE DEPARTMENT TO PURCHASE A TURBINE HELICOPTER AND RETURN WITH ENABLING DOCUMENTS - COUNCIL PRESIDENT PEREA

1. * RESOLUTION NO. 2002-417 - 57TH AMENDMENT TO AAR NO. 2002-216 APPROVING THE TRANSFER OF \$300,000 CONTINGENCY APPROPRIATIONS IN THE POLICE DEPARTMENT BUDGET FOR EXPENSES RELATED TO THE ACQUISITION OF A TURBINE HELICOPTER

President Perea stated he was encouraged that the City may be able to move to a sole source with another agency and spoke briefly to need for the helicopter, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after discussion.

Chief Dyer gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 246 W. Byrd, spoke in support of the motion.

Chief Dyer responded to questions of Councilmembers Calhoun, Ronquillo, Castillo, Duncan and Boyajian relative to the financing/purchase options, need to work with Fresno County and the CHP, use of asset and forfeiture funds and what those funds are typically used for, if the helicopter could be fully funded with asset and forfeiture monies, lifespan of turbine versus piston, using the helicopter for tactical purposes, why a turbine helicopter was not purchased originally, if there were any plans to partner with Fresno County, plan for the piston aircraft, if financing options would be forthcoming, support for a lease option, if there was a market for reselling, resale value of the piston aircraft and where those funds would go, and timeframe to have the helicopter online.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the Police Department authorized to pursue the purchase of a new turbine helicopter using the purchasing method and financing option deemed by the Purchasing Department and Finance Department respectively as the most appropriate for the Police Department, and the above entitled Resolution No. 2002-417 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:45 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-02-38, AND ENVIRONMENTAL FINDINGS, FILED BY JOHN ASHLEY, PROPERTY LOCATED NORTH OF W. BARSTOW AVENUE, EAST OF N. BRAWLEY AVENUE AND SOUTH OF THE BURLINGTON NORTHERN SANTA FE RAIL LINE (BNSF) (LOCATED IN DISTRICT 2)

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT R-02-38

2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-2

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Beach reviewed the issue as contained in the staff report as submitted.

Speaking to the issue were: Dirk Poeschel, 2310 Tulare, representing the applicant, who gave an overview of the project and related issues at length including traffic and marketing **(4 - 0)**; Richard Harriman, 246 W. Shaw, Ste. 155, representing area neighbors/Citizens for a New Fresno, who submitted written material, copies of which are on file in the office of the City Clerk, who spoke in opposition at length, displaying a map to illustrate; and Barbara Hunt, 246 W. Byrd, who questioned why this project was not included with the new general plan.

140-279

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Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Boyajian spoke in opposition to the project and the upcoming 11:15 a.m. item citing the cumulative impacts of this project and other projects to the area. Mr. Beach responded to questions of Councilmembers Ronquillo and Calhoun relative to whether this project complied with the general plan, other uses for the property, perception of a large number of apartments in the area, lack of a plan for the area and need to balance the area out, and the need to re-look at the project again in light of the broader area. Councilmember Calhoun made a motion to refer the issue back to staff to look at and report back on issues raised this date, the overall impacts of this and other similar projects on the area, and the possibility of bringing the matter back together with the conditional use permit and site plan, which motion was seconded and later acted upon.

Discussion continued with Mr. Beach and Planning and Development Director Yovino responding to questions, comments and/or concerns of Councilmembers Duncan, Calhoun, Boyajian and President Perea relative to the general plan calling for this property to be multi-family, whether any of these concerns were raised/received during the general plan public comment/hearing process, if Mr. Harriman was involved in the process, concern with some of the general plan's fundamental applications already being challenged, other allowed uses and what the impacts would be, support for staff reporting back with a more complete package (including a site plan and working with area residents), opposition to rewriting the general plan/re-designating the entire area, concern with number of similar projects/cumulative impacts/piecemeal approach/traffic patterns, if staff's recommendation for approval changed with testimony this date, Planning Commission and Bullard CAC support of the project, what staff would be bringing back that was different, need for Council direction to bring projects with the site plan design up-front, **(5 - 0)** if this was a continuation/"spill-over" of the Herndon/Brawley issue, and clarification that this property was zoned for apartments and the general plan calling for these types of densities due to population growth.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the matter referred back to staff to look at and report back on issues raised this date, the overall impacts of this and other similar projects on the area, and the possibility of bringing the matter back together with the conditional use permit and site plan design, by the following vote:

Ayes	:	Boyajian, Calhoun, Quintero, Ronquillo
Noes	:	Castillo, Duncan, Perea
Absent	:	None

- - - -

(11:00 A.M.) HEARING TO CONSIDER ENVIRONMENTAL IMPACT REPORT NO. 10131, PLAN AMENDMENT APPLICATION NO. A-00-07, REZONING APPLICATION NO. R-00-13, FILED BY HALFERTY DEVELOPMENT, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. BRAWLEY AND W. HERNDON AVENUES (LOCATED IN DISTRICT 2) (REQUEST TO CONTINUE TO JANUARY 7, 2003)

1. RESOLUTION - ADOPTING AND CERTIFYING FINAL ENVIRONMENTAL IMPACT NO. 10131
2. RESOLUTION - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE BULLARD COMMUNITY PLAN
3. BILL - AMENDING THE OFFICIAL ZONE MAP FROM AE-5/UGM TO C-2/UGM/CZ

President Perea announced the time had arrived to consider the issue and opened the hearing.

Councilmember Calhoun stated he was in support of the continuance, apologized to the developers for the delay stating this had been a slow process but it was important to cover all issues, and made a motion to continue the hearing as requested. Councilmember Boyajian spoke briefly to the City losing their CEQA case and to Judge Creed's ruling on the matter.

140-280

12/17/02

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the hearing on EIR No. 10131, Plan Amendment No. A-00-07, Rezoning Application No. R-00-13, filed by Halferty Development, continued to January 7, 2003, at 3:00 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(11:15 A.M.) HEARING ON REZONING APPLICATION NO. R-02-35, AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF W. BULLARD AND N. CORNELIA AVENUES (LOCATED IN DISTRICT 2)

1. CONSIDER AND ADOPT FINDING OF NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO.

R-02-35

2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM THE R-A/UGM ZONE DISTRICT TO THE R-1/UGM ZONE DISTRICT

President Perea announced the time had arrived to consider the issue and opened the hearing. Acting President Castillo briefly left the meeting at 12:54 p.m.

Planner Lewis responded to questions of Councilmember Boyajian and clarified issues relative to location of the guide wires, the project being below density, if Bullard Avenue would be widened, and if the 10:45 a.m. item would impact this project.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. T-5098, R-02-35, dated August 20, 2002, hereby approved, and the above entitled Bill No. B-73 rezoning the subject site to become effective for any portion of the site for which a final map of Vesting Tentative Tract No. 5098 is recorded adopted as Ordinance No. 2002-72, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	Castillo

- - - -

(11:30 A.M.) HEARING TO CONSIDER THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT (CUP) NO. C-02-145 RELATING TO THE INSTALLATION OF A WIRELESS UNMANNED

TELECOMMUNICATION TRANSCEIVER FACILITY THAT WILL INCLUDE A 70' HIGH SLIMLINE MONOPOLE WITH ATTACHED ANTENNAS AND TWO ELECTRICAL EQUIPMENT CABINETS LOCATED AT THE BASE ON THE MONOPOLE ON THE WEST SIDE OF "R" STREET BETWEEN INYO AND VENTURA STREETS (LOCATED IN DISTRICT 3)

1. RESOLUTION NO. 2002-418 - APPROVING CONDITIONAL USE PERMIT NO. C-02-145

President Perea announced the time had arrived to consider the issue and opened the hearing.

140-281

12/17/02

Councilmember Ronquillo gave a brief overview of the issue and advised he scheduled the matter for hearing as he preferred for Council to make the decision whenever there is a controversy. Planning Manager Beach reviewed the issue as contained in the staff report as submitted, spoke to adopted city policy and the need for this tower and additional towers should the area redevelop, and requested clear direction be given on how to modify the policy should Council finds this particular type of tower to be a blighting influence.

Speaking to the issue were: Larry Taylor, Chairman, Mariposa Project Area Committee, opposed to the tower location, displaying photographs to illustrate; Stephen Mensel, Fulton PAC Chairman, opposed; Meredith Parken, representing Cingular Wireless, 3851 N. Beechwood, support for the tower; Jerry Dale, 801 "R" Street, opposed; and Barbara Hunt, 246 W. Byrd, opposed.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Upon question of Councilmember Duncan, Mr. Beach stated the tower complied with policy criteria, and Councilmember Duncan spoke in support of the tower, the process, the location, and to the need for communication infrastructure to serve future growth, and made a motion to approve staff's recommendation. Councilmember Calhoun seconded the motion and commented briefly on the issue stating the slim line tower was reasonable and was needed to serve the area.

Councilmember Ronquillo spoke to the need for the City to do all it could to accommodate those investing in the area and for staff to demand alternative designs and arrangements and explained, with Ms. Parken responding to his questions relative to co-locating on existing buildings. Discussion continued with Ms. Parken and Mr. Dale responding to questions of Councilmembers Boyajian and Quintero relative to how much time/research Cingular put into the subject area, what the company looked for, if Cingular had a tower at Community Hospital and where the nearest tower to the proposed site was located, other potential sites and options, how close Mr. Dale's relocated company would be to the tower, and if their coffee can was also going to be relocated and how tall it was **(6 - 0)**. Councilmember Quintero spoke briefly to towers in his district, how they have improved the communication setup in the area, and to the landscaping that was required adding there had been no complaints.

Public testimony was reopened and Sally Caglia Martinez, Chair, South Van Ness Industrial Area Project Area Committee, spoke in opposition to the tower.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the appeal denied, the Categorical Exemption for Environmental Assessment No. C-02-145 approved, and the above entitled Resolution No. 2002-418 hereby adopted, subject to the conditions of approval outlined in the staff report, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Perea
Noes	:	Castillo, Ronquillo
Absent	:	None

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**(11:45 A.M.) HEARING TO CONSIDER REVISING THE NORTHEAST FRESNO POLICE SUBSTATION FEE
(1) * RESOLUTION NO. 2002-419 - 404TH AMENDMENT TO MFS RESOLUTION NO. 80-420 REVISING THE
NORTHEAST POLICE SUBSTATION FEE**

President Perea announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Perea closed the hearing.

140-282

12/17/02

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-419 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

LUNCH RECESS - 1:41 P.M. - 3:03 P.M.

(2:00 PM #1) CONTESTED CONSENT CALENDAR:

(1-J) AWARD A CONTRACT FOR OPERATION AND MAINTENANCE OF CAMP FRESNO AND CAMP FRESNO JR. AT DINKEY CREEK, CALIFORNIA

Upon the request of Councilmember Calhoun, Purchasing Manager Taggart explained the process that was utilized and the criteria for selection.

Nancy Omachi, ranked second of the three proposers, noted she submitted a proposal last year, expressed concern that local preference was not utilized here, and stated she was qualified to operate the camp.

Councilmember Calhoun advised his office was contacted about the process; noted local preference was not addressed at all in the staff report, and stated although he contacted staff and received their response he was not convinced the contract should be awarded to an out-of-towner. Acting President Castillo concurred stating he also did not understand the reasoning for the selection and made a motion to award the contract to Ms. Omachi, dba The Refuge, which motion was seconded by Councilmember Calhoun and later acted upon.

City Manager Hobbs emphasized the contract award was for professional services and stated although revenue to the City was an important factor it was not the only one, and stated California Land Management was ranked the highest based on proposal criteria and it was clear staff followed the process.

Discussion ensued with Ms. Omachi, Ms. Taggart and Parks and Recreation Director Primavera clarifying issues and/or responding to questions of Councilmembers Boyajian and Duncan relative to whether Mr. Miller made any changes since last year, what Ms. Omachi's experience was, number of times she has submitted a proposal, if Ms. Omachi had ever run a camp or worked at a campground, how Ms. Omachi saw a relationship between managing an apartment complex and running a campground, how campground and apartment complex operations compared, and if any training would be given to operators. Councilmember Duncan spoke in support of staff's

recommendation, emphasized someone with enormous experience had been found, and stated there was a big difference between campgrounds and apartments and he would oppose the motion. Councilmember Ronquillo also spoke in opposition to the motion stating the City could not afford to *not* have a professional operate the camp.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, a three-year contract with provisions for two one-year extensions hereby awarded to The Refuge to provide operation and maintenance of Camp Fresno and Camp Fresno Jr., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	Duncan, Ronquillo
Absent	:	None

140-283

12/17/02

Consideration of contested consent items was briefly interrupted for the following presentation.

(ADD-ON) PRESENTATION OF PROCLAMATIONS TO OUTGOING COUNCIL PRESIDENT PEREA, COUNCILMEMBER RONQUILLO AND COUNCILMEMBER QUINTERO

The proclamations were read by City Clerk Klisch and presented by the respective Council members' office staff **(7 - 0)**.

Proceedings on the contested consent items continued. Councilmember Ronquillo briefly left the meeting at 3:47 p.m.

(1-N) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, FRESNO FOUNDATION, RELATING TO THE MONITORING OF VADOSE ZONE AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY

An unidentified Public Utilities staff member and Wastewater Manager Hogg responded to questions of Acting President Castillo relative to cost for the study, the funding source, if the winery was aware of the study, and the contract relative to reimbursement.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, a professional services agreement with CSUF hereby approved, and the City Manager or designee authorized to execute the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(1-R) APPROVE A CONTRACT AMENDMENT WITH OMNI-MEANS, LTD., FOR THE PREPARATION OF A NEXUS FEE STUDY TO INCREASE UGM IMPACT FEES FOR MAJOR STREET AREAS A, F AND E-1

1. RESOLUTION - 54TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$50,000 FOR THE PREPARATION OF A NEXUS FEE STUDY TO INCREASE UGM IMPACT FEES FOR MAJOR STREET AREAS A, F AND E-1
(CONSIDERED AGAIN LATER)

Acting President Castillo presented questions relative to the amended report/red tag item, if the study was saying the impact fees could not be justified, if the original contract amount would not change, why the company

was being hired again if the fees could not be reasonably justified, and if the impact fees were justified, with Assistant Public Works Director Kirn and City Attorney Montoy responding. Upon the recommendation of Ms. Montoy and by Council consensus the matter was held over to later so her office could report back on fee distinction and justification.

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(3-B) * BILL NO. B-66 - ORDINANCE NO. 2002-73 (INTRO. 12/10/2002) - AMENDING AND ADDING SECTIONS TO THE FRESNO MUNICIPAL CODE RELATING TO SEWAGE AND WATER DISPOSAL

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-66 adopted as Ordinance No. 2002-73, by the following vote:

140-284

12/17/02

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

(2:30 P.M.) APPROVE NEIGHBORHOOD IN-FILL AND CONSTRUCTION PROGRAM

Councilmember Ronquillo returned to the meeting at 3:43 p.m. Housing Director Hussmann reviewed the program, goals, and target areas as contained in the staff report as submitted, referencing the amended map. A motion and second was made to approve the program as recommended.

Barbara Hunt, 246 W. Byrd, spoke in support.

Councilmember Duncan spoke in support of the program stating it was a fabulous opportunity and commended staff for their work, and noted the map showed River Park shopping center as a CDBG area and requested it be taken out, with Mr. Hussman and City Manager Hobbs responding/clarifying. Discussion ensued with Mr. Hussmann and Mr. Hobbs responding to questions/comments of Councilmember Calhoun relative to how unwilling sellers would affect the program, concern with no movement and "sitting" on housing funds, encouraging staff to purchase land where they can, if there was an inventory of land available or an abundance of opportunities, and request for an update on land inventory in February. Councilmembers Ronquillo and Quintero commended staff and spoke briefly in support of the program expressing their confidence that there would be plenty of lots available. Councilmember Ronquillo briefly left the meeting at 4:09 p.m. President Perea commended staff and presented questions relative to working with CURE and their CHDO designation, with Mr. Hussmann and Rhonda Hill, CURE Executive Director responding.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the Dream Home In-Fill Housing and Construction Program hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

RECESS - 4:13 P.M. - 4:25 P.M. All Councilmembers were present.

(1-R) APPROVE A CONTRACT AMENDMENT WITH OMNI-MEANS, LTD., FOR THE PREPARATION OF A NEXUS FEE STUDY TO INCREASE UGM IMPACT FEES FOR MAJOR STREET AREAS A, F AND E-1

1. RESOLUTION - 54TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$50,000 FOR THE PREPARATION OF A NEXUS FEE STUDY TO INCREASE UGM IMPACT FEES FOR MAJOR STREET AREAS A, F AND E-1

(CONTINUED FROM EARLIER)

Acting President Castillo advised staff wanted to clean up the resolution and they would reschedule the item at a later date.

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140-285

12/17/02

(2:45 P.M.) APPROVE AMENDMENT TO THE DEFERRED COMPENSATION PLAN TO MODIFY THE EXISTING DEFERRED COMPENSATION COMMITTEE STRUCTURE

Deputy City Manager Haynes gave a brief overview of the issue as contained in the staff report as submitted.

Sandra Brock, Deferred Compensation Plan participant, submitted written material to Council, stated staff's report did not address overall Plan administration problems and explained, and requested Council consider adopting Attachments "A" and "C" of her report as submitted, a copy of which is on file in the office of the City Clerk.

City Manager Hobbs responded stating Ms. Brocks' comments had nothing to do with the subject issue; noted there were approximately 1,700 employees in the Plan and Council was hearing from only one; recommended staff conduct a survey asking employees if there were any issues they wanted addressed; and responded to other concerns expressed by Ms. Brock relative to meetings and record keeping and added he did want to turn the Committee into another bureaucracy and explained.

Discussion/questions ensued relative to the survey recommendation, if there were any cities that had models different from Fresno's, if the City was doing anything "dangerous", what the duties/experience of a Council appointee would be, and if staff felt an outside consultant review was necessary, with Mr. Hobbs and Retirement Administrator McDivitt responding. City Attorney Montoy noted the issue of governance and powers of the Committee and Council had been raised, advised her office was asked to issue a legal opinion on fiduciary duties of governance, upon question of Councilmember Calhoun clarified only the Committee composition was at issue this date and added Council direction on that issue would be helpful to staff, and stated the governance issue would hopefully be addressed in approximately 30 days. Councilmember Calhoun made a motion to table the subject matter to when the City Attorney reports back stating Council was not ready to act on this issue. Upon question of President Perea, Mr. Hobbs stated he was in a different plan.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, the matter tabled for approximately 30 days to be brought back with the City Attorney's report/opinion on governance, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	Quintero
Absent	:	None

Ms. Brock questioned if the RFP being talked about by the Committee to change providers/add an additional provider would be held in abeyance until the other matters were settled, with Ms. Hobbs responding.

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(3:15 P.M.) APPEARANCE BY COSTEL CONSTANTIN FUIDREA TO DISCUSS FUNDING FOR A PILOT STATION TO IMPROVE THE AIR QUALITY AND PROVIDE A TEMPERATURE CONTROL SYSTEM

(8 - 0) Appearance made and President Perea recommended Mr. Fuidrea submit his business plan in writing to the city manager's office. There was no further discussion.

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(3:00 P.M.) DIRECT IMPLEMENTATION OF AN IMMEDIATE CITY-WIDE HIRING FREEZE WITH THE EXCEPTION OF POSITIONS IN THE POLICE AND FIRE DEPARTMENTS - ACTING PRESIDENT CASTILLO

140-286

12/17/02

Acting President Castillo reviewed the issue stating he wanted to see Council be pro-active and place a freeze on non-essential positions/those that do not have a direct impact on services provided by the City and elaborated at length, commented on employees having to undertake additional work and advised what Fresno County does, noted the savings would be put aside until it was known what the State was going to do, and presented questions relative to tax revenue projections, with City Manager Hobbs and Controller Quinto responding. Acting President Castillo made a motion to direct staff to return with an amendment to the PAR for all current vacant positions excluding fire, police and council staff, and implement a city-wide hiring freeze until the 2004 budget deliberations have been completed. Councilmember Boyajian stated he would second the motion with the modification to also exclude the public works and the parks and recreation director positions and explained, which modification was accepted.

Discussion ensued with City Attorney Montoy and Mr. Hobbs responding to questions/comments relative to the Charter and duties of the city manager/mayor and Council interference in the operation of the city, if the motion (if passed) and the resolution (when it comes back) would be subject to the Mayor's veto, Mr. Hobbs speaking to the strong hiring controls already in place, Councilmember Duncan stating the concept of a hiring freeze was not needed at this time, was not justified, lacked thought and study, and was reckless and elaborated, Councilmember Calhoun concurring the issue was not well thought out and was premature, Councilmember Ronquillo stating the new Council should consider the matter during budget sessions, and President Perea stating his support for a hiring freeze as he felt it was a good move and added business would go on as usual. Acting President Castillo stated downsizing was always being talked about and now was the perfect time and spoke briefly to the need to make tough decisions.

A motion of Acting President Castillo, seconded by Councilmember Boyajian, to direct implementation of an immediate city-wide hiring freeze with the exception of positions in the police and fire departments, and the positions of public works and parks and recreation director failed, by the following vote:

Ayes	:	Boyajian, Castillo, Perea
Noes	:	Calhoun, Duncan, Quintero, Ronquillo
Absent	:	None

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(5-A) RESOLUTION - AMENDING RESOLUTION NO. 97-222 RELATING TO THE ELECTION OF COUNCIL

PRESIDENT AND ACTING PRESIDENT OF THE COUNCIL - COUNCILMEMBER CALHOUN

Councilmember Calhoun spoke in support of changing the election process and explained the proposed rotation process as outlined in his report as submitted; stated it was important for members to know beforehand who would be providing leadership annually; encouraged approval; and made a motion to adopt the resolution, which motion was seconded and acted upon after brief comments.

Councilmember Ronquillo spoke to the issue and in opposition to the motion stating someone with Council consensus was needed **(9 - 0)**, recommended the issue be brought back for the new Council to consider, and made a motion to table the matter.

A motion of Councilmember Ronquillo, seconded by President Perea, to table to the issue to next year for the new Council failed, by the following vote:

Ayes	:	Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero
Absent	:	None

President Perea advised the original motion to adopt the Resolution was still on the floor.

140-287

12/17/02

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to adopt the above Resolution failed, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Absent	:	None

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(5-F) REQUEST CITY MANAGER TO DIRECT STAFF TO DETERMINE FEASABILITY AND RETURN TO COUNCIL WITH RECOMMENDATION FOR JAPANESE CULTURAL CENTER TO BE LOCATED ADJACENT TO SHINZEN GARDENS - COUNCILMEMBERS RONQUILLO AND DUNCAN

Councilmember Ronquillo briefly reviewed his request as outlined above and made a motion to approve, which motion was seconded by Councilmember Duncan who spoke in support of the issue.

Paul Saito, Shinzen Garden Committee, spoke in support of the motion, stated the proposal was for a combination Japanese cultural center followed with a gift shop and bonsai nursery and possibly a restaurant later, displaying a drawing of the proposed center to illustrate, and advised of the Committee's fund-raising efforts

Councilmember Calhoun spoke in support of the concept and presented questions relative to whether this request was related to his Council approved request for Parks staff to look at city-run food concessions to put revenues back in to parks, if Shinzen Gardens was a private entity, if this was any of the City's business, and lack of a formal request from the Shinzen Garden Board and if there were any legal issues, with Councilmembers Duncan, Ronquillo and City Attorney Montoy responding. President Perea stated this was a good idea but the timing and location were of concern to him citing the amount of public outcry the last time the restaurant issue was before Council, and added more discussion/research was needed. Councilmember Quintero stated he supported the issue and questioned if the drawing displayed was the same as the earlier restaurant drawing, and if the Woodward family produced a document relative to the location of a Japanese restaurant, with Mr. Saito responding. Councilmember

Ronquillo clarified the request came from the Shinzen Garden Committee through Mr. Saito.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to determine the feasibility and return to Council with a recommendation for a Japanese Cultural Center to be located adjacent to Shinzen Gardens, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Castillo, Perea
Absent	:	None

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(5-G) REQUEST CITY MANAGER TO DIRECT STAFF TO FORM A DOWNTOWN TRIANGLE IMPLEMENTATION COMMITTEE - COUNCILMEMBER RONQUILLO

Reviewed by Councilmember Ronquillo who spoke to the need to identify a group, similar to the Tower District committee, that would provide vital input in terms of moving forward with the implementation process and explained.

Mayor Chief of Staff White stated the Mayor's office supported the concept, saw the need for an official city-sanctioned group, and felt the committee would be a valuable advisory group and elaborated, and advised the details of the committee would be left up to staff.

140-288

12/17/02

Councilmember Duncan stated he also supported the concept but he wanted to make sure this would not just add one more committee stating although they were all valuable he felt there were too many, and questioned if the intent of the motion was to look at the whole issue and try to consolidate into one group that could be relied upon more and if the committee would be solely advisory, with Councilmember Ronquillo responding. Councilmember Ronquillo made a motion to approve the request which was seconded by Councilmember Duncan.

Councilmember Boyajian concurred there were a lot of committees and questioned if property owners would be included, what the need was stating he did not see the need, and if Council members would be included, with Councilmember Ronquillo and Ms. White responding. Councilmember Calhoun stated he could see the pros and cons, noted he would support the motion if one option (when a report comes back) is to leave things as they are clarifying he was not prepared to approve a committee as downtown was still evolving, and added once a committee is formalized Council seems to listen only to them and he supported listening to everyone.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the city manager requested to direct staff to form a Downtown Triangle Implementation Committee, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(5-B) RESOLUTION NO. 2002-420 - IN SUPPORT OF ASSEMBLY BILL 33, STREETS AND HIGHWAYS, SAN JOAQUIN DEMONSTRATION PROGRAM ACCELERATION HIGHWAY PROJECTS - COUNCILMEMBERS

DUNCAN AND RONQUILLO

Councilmember Duncan gave a brief overview of the issue stating the Bill, if passed, would benefit the valley and encourage the City to work more efficiently with Caltrans to get projects done on time and under budget, and made a motion to adopt the resolution, which motion was seconded by Councilmember Ronquillo who concurred.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-420 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(5-C) REQUEST UPDATE ON THE COMPREHENSIVE STUDY REGARDING ACTUAL COSTS EXPENDED BY THE CITY IN PUBLIC WORKS PROJECTS - COUNCILMEMBER QUINTERO

Assistant Public Works Director Elam and Bob Buehlo, Force Account Council, reviewed the background of the issue and gave an update on the study stating it had been a real positive experience, and advised the 60 day charge had been exhausted, they were not finished with their work, and requested the process be allowed to continue into January or February for another report back. Brief comments ensued with Councilmembers Quintero and Duncan stating they looked forward to the ongoing progress and thanked staff and the private sector for all their work.

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140-289

12/17/02

(5-D) CONSIDERATION OF ESTABLISHING A CITY-WIDE POLICY FOR THE CLOSURE OF CITY ALLEYS - COUNCIL PRESIDENT PEREA

Reviewed by President Perea who stated this would codify what was already in practice and would strengthen the City's efforts; spoke to problem of illegal activity and dumping in alleys and how the closure of alley helps relieve neighborhoods of those problems; **(10 - 0)** spoke to the cost for complete alley closures and what community sanitation spends to clean up the debris left in alleys; and made a motion to approve Option 4 in the staff report, which motion was seconded and acted upon after discussion.

Councilmember Ronquillo spoke further to the problems with alleys in the inner city, to the issue of tire dumping stating it would not stop unless an incentive is offered, and to the need to partner with Fresno County for drop-off sites and elaborated. Assistant Public Works Director Kirn responded to questions/request of Councilmembers Boyajian and Quintero relative to how the policy would be implemented, how pending alley closures and those with petitions would be dealt with, who would pay for the closures, and request for a breakdown of alley closures by council district.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, Option 4 directing staff to move forward and prepare an ordinance for adoption that allows for keys to be given to all adjacent property owners, and other individuals upon written request, hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None

Absent : None

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(5-E) APPROVAL OF REGIONAL PARK DEDICATION PLAQUE - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo gave a brief overview of the issue requesting Council approval of the plaque wording and design as submitted, and made a motion to approve it as the official plaque, which motion was seconded and acted upon after a request and question by Councilmember Calhoun for clarification on the motion/what was being done this date and when the park would be dedicated, Councilmember Boyajian speaking to the need to include past Councilmembers' names on the plaque who approved the park for consistency, and President Perea clarifying this would be the official City plaque and was not a District 3 issue.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the Regional Park Dedication Plaque hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Boyajian
Absent : None

- - - -

(5-H) APPROVE LEASE OF OFFICE SPACE AT 550 E. SHAW AVENUE #30 FOR A DISTRICT 4 SATELLITE OFFICE - ACTING PRESIDENT CASTILLO

Acting President Castillo gave an overview of the issue including services that would be offered there and how the cost would be paid out of his district's budget, and made a motion to approve the lease.

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City Attorney Montoy, Acting President Castillo and President Perea responded to questions, comments and/or concerns of Councilmembers Duncan, Calhoun and Boyajian relative to whether the city attorney's office reviewed the lease, equipment cost, concern with setting a precedent, need to wait and "get a handle on the budget", City Hall serving the need, satellite offices being the kind of thing Council can be criticized for, how long President Perea has had his satellite office, if people from other districts utilize District 7's satellite office, what the rent payment would be, if the deal for the office was made with UC Merced, if District 4 constituents want a satellite office, and who would man the office. Acknowledging this was a policy issue City Manager Hobbs stated the questions of what precedent was being set, what are the true costs, and why was this being brought forth at this time and not during budget needed to be asked. Councilmember Ronquillo spoke in support of the issue and Councilmember Quintero spoke briefly to the satellite office that was tried at the Mosqueda Center.

On motion of Acting President Castillo, seconded by President Perea, duly carried, RESOLVED, the lease of office space at 550 E. Shaw Avenue #30 for a District 4 satellite office hereby approved, by the following vote:

Ayes : Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes : Calhoun, Duncan
Absent : None

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(4-A) CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME:

a. LINDA PUMA V. CITY OF FRESNO, ET AL.

(b. *CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS - held earlier*)

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

a. CLAIM OF RICARDO DAVID GARCIA

b. CLAIM OF ALVARO MOSES JACINTO

c. CLAIM OF STEVEN JUAN GARCIA

d. JAMES LAYNE V. CITY OF FRESNO CIVIL SERVICE BOARD

The City Council met in closed session at the hour of 6:53 p.m. to consider the above issues and adjourned thereafter,

CLOSED SESSION ANNOUNCEMENT:

In the matter of Items 2a, 2b and 2c, Claims of David Garcia, Alvaro Moses Jacinto, and Steven Juan Garcia regarding alleged excessive force by members of the Fresno Police Department arising out of an officer involved shooting occurring on May 9, 2002, at Shaw and Freeway 168, the City Council voted to deny the claims by a vote of 6-0-1 with Councilmember Quintero absent.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:05 p.m. having arrived and hearing no objection, President Perea declared the meeting adjourned.

APPROVED on the 7th day of January, 2003.

Henry Perea, President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk

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